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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JOSEPH HERNDON,
12 Plaintiff,
13 v.
14 ARNP G. DURANO, *et al.*,
15 Defendants.

Case No. C06-5154RJB
ORDER TO SHOW CAUSE

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19 This case has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28
20 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This matter comes before the Court on plaintiff's filing of an
21 application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. To file a
22 complaint and initiate legal proceedings plaintiff must pay a filing fee of \$250.00 or file a proper
23 application to proceed *in forma pauperis*.

24 On March 21, 2006, the Clerk received plaintiff's complaint and application to proceed *in forma*
25 *pauperis*. (Dkt. #1). On March 29, 2006, the Clerk sent plaintiff a letter informing him his application
26 contained several deficiencies, which he must cure by no later than April 28, 2006, or this action could be
27 subject to dismissal. (Dkt. #2). On April 5, 2006, plaintiff filed a response to the Clerk's letter, which
28 cured some of those deficiencies. (Dkt. #3). However, one deficiency remains.

1 Pursuant to 28 U.S.C. § 1915(a)(2):
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3 A prisoner seeking to bring a civil action or appeal a judgment in a civil action or
4 proceeding without prepayment of fees or security therefor . . . shall submit a certified
5 copy of the trust fund account statement (or institutional equivalent) for the prisoner for
6 the 6-month period immediately preceding the filing of the complaint or notice of appeal,
7 obtained from the appropriate official of each prison at which the prisoner is or was
8 confined.

9 Plaintiff thus was required to submit a statement showing the balance and activity of his account for the
10 six-month period immediately preceding the filing of his complaint. Plaintiff so far has submitted a copy of
11 his prison trust account statement showing the balance and activity in his account for the months of
12 November 2005, through February 2006, a period of only four months.
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14 Accordingly, the Court orders the following:
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16 (1) Plaintiff shall seek to cure the above remaining deficiency by filing **no later than June 10,**
17 **2006**, a copy of his prison trust account statement pursuant to 28 U.S.C. § 1915(a)(2)
18 showing the balance and activity of his account(s) for the six-month period immediately
19 preceding the filing of his complaint.

20 **Failure to cure this deficiency by the above date shall be deemed a failure to properly
21 prosecute this matter and the Court will recommend dismissal of this matter.**

22 (2) The Clerk is directed to send a copy of this Order to plaintiff.
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24 DATED this 10th day of May, 2006.
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Karen L. Strombom
United States Magistrate Judge